

## CORRECTIONS IMPACT STATEMENT

SESSION: 16RS

BILL #: HB 109

BR #: 43

DOC ID#: BR004300.100 - 43 - 182

**BILL SPONSOR(S):** Rep. J. Jenkins **AMENDMENT SPONSOR(S):**

**SUBJECT:** .AN ACT relating to offenses committed in a continuing course of conduct against vulnerable victims.

**SUMMARY OF LEGISLATION:** Create a new section of KRS Chapter 501, relating to general principles of liability, to define "offense against a vulnerable victim" and to create a mechanism for charging a person with the commission of an offense against a vulnerable victim in a continuous course of conduct.

This ☒ bill ☐ amendment ☐ committee substitute is expected to:

☐ Have the following Corrections impact ☒ Have no Corrections impact

- |  |  |
|--|--|
| <input type="checkbox"/> Creates new crime(s)                    | <input type="checkbox"/> Repeals existing crime(s)               |
| <input type="checkbox"/> Increases penalty for existing crime(s) | <input type="checkbox"/> Decreases penalty for existing crime(s) |
| <input type="checkbox"/> Increases incarceration                 | <input type="checkbox"/> Decreases incarceration                 |
| <input type="checkbox"/> Reduces inmate/offender services        | <input type="checkbox"/> Increases inmate/offender services      |
| <input type="checkbox"/> Increases staff time or positions       | <input type="checkbox"/> Reduces staff time or positions         |

☐ Changes elements of offense for existing crime(s)

☐ Otherwise impacts incarceration (Explain). The bill would create a new statute to classify various listed offenses as an "offense against a vulnerable victim," but there is no penalty, classification or change of status associated with being convicted of an "offense against a vulnerable victim." The classification literally has no impact or meaning of any kind. Unlike violent offenses and sex crimes, there is no associated registration, sentence penalties, treatment requirement or any other change from being convicted of one of the listed offenses, without the classification of "offense against a vulnerable victim." There is also no existing Kentucky law (or law in any other state) that associates any special penalty or status with the phrase: "offense against a vulnerable victim." The short answer is, the statute is meaningless, because the last paragraph says, "[t]he penalty, probation and parole eligibility, and other consequences of an offense charged under this section shall be the same as for the offense when charged based on an individual act." If there are no consequences, no treatment, no tracking and no other change of status associated with the label, the label serves no purpose.

**STATE IMPACT:** Class A, B & C felonies are based on an average daily prison rate of \$61.09. Most Class D felons are housed in one of 78 full service jails for up to 5 years. DOC's cost to incarcerate a felony inmate in a jail is \$31.92 per day (includes jail per diem, medical & central office costs), not including substance abuse treatment. Projections are based on the daily rate x 365 x number of years.

**Projected Impact:** ☒ NONE ☐ MINIMAL ☐ MODERATE ☐ SIGNIFICANT

Creates no new felonies. Section

**LOCAL IMPACT:** Local governments are responsible for the cost of incarcerating individuals charged with Class A or B misdemeanors and felony defendants until disposition of the case. While the expense varies by jail, this estimated impact will be based on \$31.34 per day, which equals the per diem and medical that DOC pays jails to house felony offenders.

Creates no new misdemeanor offenses. Section

Based on the \$31.34 per diem rate, the local impact is estimated as follows:

**The following offices contributed to this Corrections Impact Statement:**

☐ Dept. of Corrections   ☐ Dept. of Kentucky State Police   ☐ Administrative Office of the Courts   ☐ Parole Board   ☐ Other

**NOTE: Consideration should be given to the cumulative impact of all bills that increase the felon population or that impose new obligations on state or local governments.**

**APPROVED BY:**

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Commissioner, Kentucky Department of Corrections

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Date